

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TERRELL/OGLETREE/FIELDS,
Minors.

UNPUBLISHED
December 19, 2013

No. 316957
Wayne Circuit Court
Family Division
LC No. 10-491767-NA

Before: JANSEN, P.J., and O'CONNELL and M. J. KELLY, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence and that termination is in the best interests of the children. MCL 712A.19b(5). We review the trial court's decision for clear error. MCR 3.977(K). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The trial court did not err in finding the statutory grounds for termination established by clear and convincing evidence. The record supports the trial court's finding that respondent physically abused two of her children. Respondent received services and court intervention for nearly two years, but did not benefit from those services. Moreover, at the outset of this case, respondent denied abusing her children. Her dishonesty about her abusive acts suggests she does not fully recognize the severity of her actions. This lack of recognition undermines respondent's efforts to control her abusive behavior. Given this history, the trial court correctly determined that it is likely the children will be harmed in the foreseeable future if returned to respondent's care.

Further, the evidence showed that respondent could not provide proper care and custody of her children. Respondent was diagnosed with major depressive disorder, recurrent with psychotic features. She also suffered from anxiety. She demonstrated extremely poor impulse control and explosive behaviors when dealing with her children. A clinician gave her a guarded prognosis for being able to care for her children appropriately.

Respondent argues that she has now accepted responsibility for her actions. The record does not support this argument. Although respondent had independently sought mental health

treatment and therapy, she failed to inform her therapist of her history of physically abusing her children. Even with medication, respondent's impaired operational judgment and poor impulse control puts the children at risk of harm if returned to her care. The documented abuse of two of her children indicates that the other children would be at risk of serious harm if they were in respondent's care. See *In re AH*, 245 Mich App 77, 84; 627 NW2d 33 (2001).

Respondent also argues that the trial court overlooked the progress she made in addressing her mental health, anger, and parenting issues. However, the record supports the trial court's conclusion that respondent has not maintained a period of mental stability for any length of time. She previously stopped taking medication that was prescribed to treat her mental health issues. She minimized the abuse her children suffered and failed to inform her therapist of her abusive history.

Termination of respondent's parental rights was also in the children's best interests. Respondent's mental health issues prevent her from providing her children with a safe home environment. Thus, the trial court did not err in its best-interest determination.

Affirmed.

/s/ Kathleen Jansen
/s/ Peter D. O'Connell
/s/ Michael J. Kelly